

MINUTES
CALISTOGA PLANNING COMMISSION
February 26, 2020

1 **A. ROLL CALL**

2 Commissioners present: Paul Coates, Tim Wilkes, Alissa McNair, Doug Allan, Scott
3 Cooper. Absent: None. Staff present: Planning and Building Director Lynn Goldberg,
4 Senior Planner Zach Tusinger.

5 **B. PLEDGE OF ALLEGIANCE**

6 **C. PUBLIC COMMENTS**

7 None

8 **D. ADOPTION OF MEETING AGENDA**

9 The meeting agenda of February 26, 2020 was adopted as presented.

10 **E. COMMUNICATIONS/CORRESPONDENCE**

11 Four letters regarding item G.2 were distributed to the Planning Commission. One
12 letter regarding item G.3 was distributed to the Planning Commission.

13 **F. CONSENT CALENDAR**

14 1. **Minutes Approval:** Draft minutes for the January 22, 2020 meeting

The Consent Calendar was adopted as presented.

15 **G. PUBLIC HEARINGS**

16 1. **EuroSpa - Use Permit UP 2020-1:** Consideration of a use permit application to
17 replace a day spa with 2 guest rooms within an existing building at a 13-unit inn
18 located at 1202 Pine

19 Senior Planner Tusinger presented the staff report, providing a summary of the
20 requested changes to the inn, and recommending approval of the use permit
21 application. All construction would occur within the existing buildings.

22 In response to a question from **Vice Chair Wilkes** regarding condition of
23 approval No. 7, Mr. Tusinger confirmed that any supports for the business's off-
24 site directional sign would be required to be removed, too.

25 In response to a question from **Commissioner McNair**, Mr. Tusinger confirmed
26 the location of the existing Dumpster.

27 **David Patel**, applicant, explained that they are seeking to return the property to
28 its original use.

29 **Chair Coates** opened and closed the public hearing after there were no public
30 comments.

31 In response to a question from **Vice Chair Wilkes**, Mr. Tusinger confirmed that
32 staff will ensure that the trash enclosure is covered through its review of the
33 project's subsequent building permit.

34 A motion by **Commissioner Cooper** to adopt a resolution approving a two guest
35 unit expansion of EuroSpa & Inn was seconded by **Vice Chair Wilkes** and
36 approved unanimously.

37 2. **Aurora Park Cottages - Use Permit UP 2018-12 and Design Review**
38 **DR 2018-9:** Consideration of use permit and design review applications to allow
39 a 3-guest unit expansion at an existing 7-unit bed and breakfast located at 1807
40 Foothill

41 **Commissioner Cooper** noted that he had a conflict with the item due to the
42 location of his residence and left the dais.

43 Senior Planner Tusinger presented the staff report. He reviewed the Zoning
44 Code provisions that allow up to 10 guest units on the property and do not
45 require an onsite manager. He noted that several letters related to the application
46 had been received. Many of the comments refer to code regulations for B&Bs in
47 other zoning districts and for the RR-H Zoning District, which are not applicable
48 to the project. Staff has followed up on relevant issues. The City does not get
49 involved in private easement disputes.

50 In response to questions from **Vice Chair Wilkes**, Mr. Tusinger explained the
51 Zoning Code's special regulations related to B&Bs in the R-1-10 Zoning District,
52 which do not apply to B&Bs in other zoning districts. Transient use does not have
53 to be secondary to the primary residential use on the property.

54 In response to a question from **Commissioner McNair**, Mr. Tusinger confirmed
55 that there is no documentation showing that a leach field related to an adjoining
56 residence is located on the subject property.

57 **Chair Coates** stated that the intent of the easement, which he created as part of
58 the Brannan Ridge Estates when he owned the property, was simply to provide
59 access to the properties that were created by the subject parcel map.

60 **Chair Coates** opened the public hearing.

61 **David Patel**, applicant, observed that this project serves a different clientele than
62 typically stay at their motel properties. They have contacted the neighbors about
63 the use permit and received a wide range of feedback. They're willing to try to
64 mitigate any concerns from the adjoining property owners as much as possible.

65 **Michael Glover**, 1819 Foothill, is concerned that the project would encroach into
66 the surrounding rural areas. There are two large oak trees that are required to be
67 preserved by the municipal code and will be impacted by the project. The new
68 units are set much closer to the driveway than the existing units and are much
69 larger. He doesn't believe the site can support the proposed number of units. He
70 hasn't made complaints to the Police Department about noise in the past, even
71 though he hears it. He believes that he would be liable for any incidents that

72 occurred on the easement. It was intended as a private road for the benefit of
73 four single-family homes, not for the proposed use by the project. Glover: we are
74 responsible for the road. There are special circumstances that surround this
75 property. He's trying to preserve the natural environment.

76 **Vice Chair Wilkes** noted that the term "designated remainder" on the Brannan
77 Ridge Estates parcel map does not refer to open space. It's a part of the original
78 property and is a legal lot that is not a part of Brannan Ridge Estates. There are
79 no 80-foot oaks on the subject property. However, there are mitigation measures
80 in the project plans to protect any trees, as required by city code.

81 **Alan Morris**, 1821 Foothill, is the original resident in the Brannan Ridge Estates
82 and he appreciates its peace and seclusion. When he bought his property, he
83 was aware of Aurora Park, but the proposed expansion is an incursion into his
84 property. He is concerned that the project represents a hotel, not a small B&B.
85 There will be a great increase in traffic, noise and guests. It will change the entire
86 character of Brannan Ridge Estates and decrease his property values. The
87 project construction would significantly impact the properties in the subdivision.
88 There's a leach field immediately adjacent to the project site that serves three of
89 the four units in the subdivision. He was never contacted by the applicant about
90 the project.

91 **Chair Coates** closed the public hearing.

92 In response to a question from **Commissioner McNair**, Mr. Tusinger confirmed
93 that the project's building permit application and improvements plan will be
94 reviewed by the City, which will ensure the preservation of the trees.

95 **Vice Chair Wilkes** met with the project arborist, who has prepared a letter with
96 enhanced tree preservation measures that will be given to the City. The arborist
97 says there are currently no nesting birds in the trees.

98 Mr. Tusinger noted that the project application has evolved since it was initially
99 submitted. Parking beneath the tree was removed and the cottages were moved
100 forward to minimize grading impacts on the adjoining hillside. The City took all
101 public noticing measures required by law.

102 **Commissioner McNair** acknowledged the Patel family's contributions to the
103 community through the service clubs. She believes that architecturally upgrading
104 the front portion of the project closest to Foothill will have a positive impact on the
105 design of the project. She supports the sharing of general public and ADA
106 access, so that they don't feel separate, which could be reflected in the final
107 project design.

108 **Mr. Morris** feels that **Commissioner McNair's** comments show a bias towards
109 the Patels and the fact they are community supporters should not be part of the
110 Commission's deliberations.

111 In response to a question from **Commissioner Allan**, Mr. Patel confirmed that
112 the existing manager's unit on the adjoining property will be rented once the
113 project is completed.

114 **Vice Chair Wilkes** feels threatened by a written communication from Mr. Morris
115 implying that the commissioners will be held personally liable for the decisions
116 they make. **Mr. Morris** stated that his letter was not meant as a threat and
117 apologized. **Vice Chair Wilkes** accepted his apology.

118 A motion by **Vice Chair Wilkes** to adopt a resolution approving Use Permit 2018-
119 12 and Design Review 2018-9 at 1807 Foothill Boulevard was seconded by
120 **Commissioner Allan** and approved 4-1 (Cooper recusal).

121 3. **Okaeri Bed & Breakfast - Use Permit UP 2019-19 and Design Review DR**
122 **2019-10:** Consideration of use permit and design review applications to
123 establish an 8-unit bed and breakfast and modify an existing structure previously
124 used as a bed and breakfast at 1415 Foothill

125 **Commissioner Cooper** noted that he had a conflict with the item due to the
126 location of his residence and recused himself.

127 Senior Planner Tusinger presented the staff report, providing an overview of the
128 proposed use and modifications to the building. He noted that the structure has
129 been heavily modified over the years and its architecture is not considered
130 historically-significant. He distributed recommended revisions to the project's
131 conditions of approval. He noted that a letter submitted by Nick Kite called
132 attention to the fact that one of the conditions of approval inaccurately required
133 conformance to the conditions of approval for the prior B&B. Mr. Kite also raised
134 the fact that the service of dinner to guests is not allowed, which is also reflected
135 in the revised conditions of approval. He anticipates that there will be fewer
136 employees if dinner service is not allowed. Two of the proposed parking spaces
137 are identified for staff use. Substantial landscaping that incorporates Japanese
138 species is proposed along the project frontage.

139 In response to questions from **Commissioner McNair**, Mr. Tusinger reviewed
140 some alternatives to the proposed parking design to facilitate their use.

141 **Vice Chair Wilkes** is concerned about the parallel parking space near Foothill. It
142 is located in an approximately 20% grade area and there is no curb to bank a
143 vehicle's wheels on. He thinks that are other design alternatives. The two tandem
144 parking spaces were clearly there when the property was used as a residence
145 and should be considered as legal nonconforming.

146 Mr. Tusinger suggested that some of the landscaping could be replaced with a
147 parking space. He confirmed that the proposed path of travel meets the ADA
148 code and has been reviewed by the City's Building Official.

149 **Chair Coates** expressed concerns about Fire Department access to the project.
150 Mr. Tusinger confirmed that the project plans had been reviewed by the Fire

151 Department, which had expressed no concerns. He noted that the Fire
152 Department will review the project's building permit plans.

153 **Chair Coates** opened the public hearing.

154 **Peter Chiang**, applicant, explained the meanings of "tadaima" and "okaeri." He is
155 aware that dinner service will not be allowed and meal service will be limited to
156 the morning hours. He confirmed that the anticipated number of employees will
157 be fewer without dinner service.

158 In response to a question from **Commissioner Allan**, Mr. Chiang confirmed that
159 an ABC license will be applied for to allow wine tasting by guests as part of a
160 package stay.

161 In response to questions from **Vice Chair Wilkes**, Mr. Chiang explained that the
162 wine cellar will be used for afternoon wine tasting for guests. He is willing to
163 continue to work with staff on an alternative design for the parallel space that is
164 of concern. He has met with the Fire Chief to come up with a game plan to
165 address wildfire risks. A fire engine can park on Foothill and the hose spray will
166 reach the building.

167 **Commissioner Allan** observed that if a parking space isn't safe or convenient to
168 use, guests will park on Foothill. Mr. Chiang noted that the parking spaces of
169 concern will be clearly marked for manager use only.

170 In response to a question from **Commissioner McNair**, Mr. Chiang
171 acknowledged that while they're proposing to have an on-site manager at the
172 beginning of operation, they would eventually like to have an off-site manager, as
173 allowed by the Zoning Code.

174 **Chair Coates** closed the public hearing.

175 Mr. Tusinger explained that the appropriate type of ABC license for the project
176 will need to be determined, and may require City Council approval. It's common
177 for B&Bs to have an ABC license to serve beer or wine to their guests. This type
178 of service would not be considered a tasting room. He asked for Commission
179 guidance on the potential redesign of the parking spaces.

180 **Chair Coates** is comfortable delegating the parking design to staff.

181 **Vice Chair Wilkes** thinks that the applicant should continue to work with staff on
182 an alternative parking design, and just provide a copy of the final design to the
183 Commission. He is confident that the building's design is not an authentic
184 Victorian and thinks the proposed alterations will be an enhancement.

185 A motion by **Commissioner Allan** to adopt a resolution approving Use Permit UP
186 2019-19 and Design Review DR 2019-10, with amendments to eliminate a
187 reference to previous conditions and to limit routine meal service to mornings,
188 was seconded by **Chair Coates** and approved unanimously.

189 4. **Picayune - Use Permit UP 2020-2:** Consideration of a use permit application to
190 allow non-amplified live music and special events at an existing retail and tasting
191 room business located at 1329 Lincoln Avenue, Suite B

192 **Commissioner Cooper** rejoined the meeting.

193 Senior Planner Tusinger presented the staff report, reviewing the business that
194 was approved by the Commission in 2019. There is a 30 x 35-foot courtyard
195 behind the subject building enclosed on three sides. Staff approved an
196 administrative use permit after providing public notice for events in the courtyard,
197 such as movie viewing. Noise impacts associated with future events are
198 anticipated to be minimal due to surrounding businesses being closed in the
199 evening and a condition that prohibits amplified music. The Zoning Code is
200 unclear about the parking requirement for the temporary special events. Staff
201 believes that the actual parking impacts would be minimal due to their timing and
202 duration. A recommended condition of approval requires notification to
203 surrounding property owners prior to an event.

204 **Chair Coates** opened the public hearing.

205 **Claire Weinkauf**, applicant, explained that their special events are primarily live
206 music on Fridays from 5:30 – 7:30 pm. She hasn't heard any concerns from
207 guests about the unavailability of parking. The wine club pick-ups occur over an
208 extended period of time.

209 In response to a question from **Commissioner Cooper**, Ms. Weinkauf confirmed
210 that the proposed events will be similar in size and number to last year's.

211 In response to a question from **Commissioner Allan**, Mr. Tusinger confirmed
212 that the use permit approval remains with the property, and a similar business
213 would be allowed if there was not a lapse of more than six months.

214 **Chair Coates** expressed appreciation for Ms. Weinkauf's contributions to the
215 community. She sets an example for the community as a whole.

216 **Chair Coates** closed the public hearing.

217 Mr. Tusinger noted that staff doesn't believe it's necessary to include all the
218 events that occur at the business during citywide holidays, such as the Tractor
219 Parade.

220 **Vice Chair Wilkes** believes that the applicant is "unreasonably responsible for
221 doing the right thing." The proposal for approving all the events at once is taking
222 the burden off the City for having to approve every special event. The courtyard
223 is unusually private and non-impactful to surrounding properties. He supports
224 removing the proposed limitations on the number of events. If it's a problem, then
225 the use permit can return to the Commission for consideration.

226 **Commissioner Allan** agrees with **Vice Chair Wilkes's** suggestion to remove
227 the limitations for this business, due to the unique courtyard circumstances.

228 **Chair Coates** believes the City should assist local businesses in any reasonable
229 way.

230 A motion by **Vice Chair Wilkes** to adopt a resolution approving Use Permit UP
231 2020-2, with amendments to eliminate a reference to previous conditions and to
232 limit routine meal service to mornings, was seconded by **Commissioner McNair**
233 and approved unanimously.

234 **H. GENERAL GOVERNMENT**

235 1. **General Plan Annual Report:** Status of the Calistoga General Plan and
236 progress made toward its implementation in 2019

237 Director Goldberg provided a staff report.

238 **Commissioner Allan** reported that he had a lengthy discussion with Planning
239 Department staff about some of the General Plan's actions that have been
240 reported on.

241 **Commissioner Cooper** expressed appreciation for the City's time and energy
242 implementing the General Plan.

243 It was the consensus of the Commission to recommend that the City Council
244 accept the General Plan annual report.

245 **Chair Coates** announced that he had a potential conflict of interest with the
246 remaining agenda item due to the proximity of his office and residence to the site,
247 and left the meeting. **Vice Chair Wilkes** assumed the chair.

248 2. **Crystal Geyser Water Company - Landscaping and Fence Designs:** Review
249 of the landscaping and fence designs required by PC Resolution 2020-2

250 Senior Planner Tusinger summarized the proposed trellis, fencing and
251 landscaping designs, and noted that all lighting on property will be converted to
252 Dark Sky-compatible models.

253 **Rex Ramsey**, applicant representative, believes that the plans address concerns
254 previously raised by the Commission.

255 In response to a question from **Commissioner McNair** about the purpose of the
256 proposed 48-inch chainlink fence along the southern property line, Mr. Ramsey
257 explained that it is intended to ensure that the bio-swale in the area is protected
258 from encroachments, such as parking, or alterations.

259 **Commissioner Cooper** expressed appreciation for the prompt response and
260 attractive design.

261 **Vice Chair Wilkes** shared that the proposal surpasses his expectations and he
262 appreciates the plans. He confirmed with staff that installation of the landscaping
263 and fencing will be required prior to occupancy of the blow mold building.

264 **I. MATTERS INITIATED BY COMMISSIONERS**

265 None

266 **K. DIRECTOR'S REPORT**

267 Director Goldberg recommended that the Commission cancel the March 11 meeting
268 due to the lack of agenda items. She advised that candidates for Planning and
269 Building Director had been interviewed today.

270 **L. ADJOURNMENT**

271 The meeting was adjourned at 7:16 pm.

Lynn Goldberg, Secretary

draft